

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: December 28, 2009




Jeffery P. Hopkins
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In Re

**MICHAEL C. SMITH
ETHEL E. BLAKEY-SMITH**

Debtors

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Case No. 09-14939
Chapter 13
Judge Hopkins

**ORDER GRANTING MOTION
FOR FINDING OF COMPLIANCE WITH 11 U.S.C. § 1302**

Before the Court is a "Motion That Debtors Have Complied With Section 1302" ("Motion") (Doc. 37) filed by the Debtors. The Motion seeks a finding "that Debtors have fulfilled their duty under 1302(d)(1)(A)(i) and have no further obligation to notice the obligee." No objections have been filed.

Debtor Michael Smith is an obligor under a domestic support obligation. When a debtor is a domestic support obligor, 11 U.S.C. § 1302(d)(1)(A)(i) requires the following:

[T]he trustee shall—

(A)(i) provide written notice to the holder of the claim . . . of such claim and of the right of such holder to use the services of the State child support enforcement agency . . . for assistance in collecting child support during and after the case under this title[.]

In this case, the chapter 13 Trustee objected to plan confirmation on the basis that she could not comply with § 1302(d)(1)(A)(i) because the Debtors failed to provide her with a valid address for the domestic support obligee. See Doc. 33.

In their Motion, and at the December 18, 2009 confirmation hearing, the Debtors stated that they have exhausted all known means of obtaining a valid address for the domestic support obligee. Particularly, the Debtors tried to obtain this information from the Georgia Child Support Enforcement Agency. The agency refused to release the information due to privacy concerns.

The Debtors resorted to filing the Motion given their inability to obtain a valid address. The Trustee supported the Motion at the confirmation hearing.

Finding that the Debtors have made every effort to provide the Trustee with a valid address, and given that the Georgia Child Support Enforcement Agency has been notified of this case, the Motion is hereby **GRANTED**.

Copies to:

Default List

Georgia Child Support Enforcement Agency
3201 Atlanta Industrial Parkway
Ste 209
Atlanta, GA 30331

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Image Certificate of Service Page 3 of 3
CERTIFICATE OF NOTICE

District/off: 0648-1
Case: 09-14939

User: schwabm
Form ID: pdf01

Page 1 of 1
Total Noticed: 2

Date Rcvd: Dec 28, 2009

The following entities were noticed by first class mail on Dec 30, 2009.
db/jdb +Michael C Smith, Ethel E. Blakey-Smith, 39 Citadel Drive, Fairfield, OH 45014-8565
12644314 +Georgia Child Support Enforcement Office, 3201 Atlanta Industrial Parkway, Ste 209,
Atlanta, GA 30331-1047

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 30, 2009

Signature:

